

## **Key Civil Liberties and Civil Rights Cases**

### ***Freedom of Religion***

**“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof..”**

#### **Engle v Vitale (1962)**

Background Information:

The state of New York authorized a short, voluntary prayer to be recited at the beginning of each school day. This prayer read as: “Almighty God, we acknowledge our dependence upon Thee, and beg Thy blessings upon us, our teachers, and our country.”

Supreme Court Ruling:

It violates the establishment of religion. By providing the prayer, New York officially approved religion.

#### **Lemon v Kurtzman (1971)**

Background Information:

Pennsylvania and Rhode Island made aid available to “church-related” educational institutions.

Supreme Court Ruling:

It violates the First Amendment’s establishment clause. Aid must neither advance or inhibit religion and it must not create an excessive government entanglement with religion.

#### **Lee v Weisman (1992)**

Background Information:

A rabbi spoke a prayer at a Middle School graduation. After the ceremony where a prayer was recited, Weisman, the father of a graduate, filed for a permanent injunction barring Providence public school officials from inviting clergy to deliver invocations and benedictions at their schools’ ceremonies.

Supreme Court Ruling:

This violated the 1st amendment’s establishment clause because government involvement in this case creates “a state-sponsored and state-directed religious exercise in a public school.” Forcing students to stand quietly and respectfully forces students to act in a way that establishes religion.

### ***Freedom of Speech and the Press***

**“Congress shall make no law . . . abridging the freedom of speech, or of the press . . .”**

### **Schenck v United States (1919)**

#### **Background Information:**

Schenck mailed leaflets to drafters that said that the draft was evil and that the capitalist system that should be resisted. He was charged with attempting to cause insubordination in the military. Schenck thought he was protected by free speech.

#### **Supreme Court Ruling:**

Unanimous court ruling that Schenck was not protected because his leaflets created the clear and present danger that troops wouldn't be available to fight for the country.

### **Chaplinsky v New Hampshire (1942)**

#### **Background Information:**

Chaplinsky was a Jehovah's Witness who called a city marshal a "God-damned racketeer" and a "damned fascist" in public. He was arrested and convicted for violating a breach of the peace.

#### **Supreme Court Ruling:**

It upheld New Hampshire's decision to convict him because some forms of expression, including obscenity and fighting words, don't convey ideas. His "fighting words" breached the peace.

### **New York Times v Sullivan (1964)**

#### **Background Information:**

There was a full-page ad in the New York Times that said the arrest of Rev. Martin Luther King, Jr. for perjury was part of an effort to destroy his efforts to integrate public facilities and encourage blacks to vote. LB Sullivan filed libel against the newspaper and the endorsers of the ad because he believed that it defamed him individually. Alabama law states that he doesn't have to prove he was harmed and there were factual errors within the ad so Sullivan won.

#### **Supreme Court Ruling:**

The Court upheld the First Amendment rights with a unanimous vote. This created a new standard that the amendment protects the publications of all statements, even false ones, about the conduct of public officials except when statements are made with actual malice.

### **Tinker v Des Moines (1969)**

#### **Background Information:**

The Tinker family and Chris Echardt decided to protest the Vietnam War by wearing black armbands during the Christmas holiday season to their Des Moines Schools. The principals of the Des Moines

school district were scared that this would provoke disturbances so they stated that all students wearing arm bands would be asked to remove them or be suspended. The three teenagers wore them to school and refused to take them off so they were suspended until after New Year's.

**Supreme Court Ruling:**

Wearing armbands was considered to be very close to free speech so it was protected by the first Amendment. Because the principals hadn't shown that wearing the armbands would substantially interfere with appropriate school discipline, they weren't allowed to limit free expression in their school environment.

**New York v United States (1971)**

Question: Did the Nixon administration's efforts to prevent the publication of what it termed "classified information" violate the first amendment?

**Background Information:**

Also known as the pentagon papers case. The Nixon administration attempted preventing NYT and Washington Post from publishing materials regarding everything that went on in Vietnam.

**Supreme Court Ruling:**

6 for the magazines, 3 against. The decision was that security should not be used to abrogate the fundamental law embodied by the first amendment.

**Texas v Johnson (1988)**

Question: Is the desecration of an American flag (by burning or otherwise) a form of speech that is protected under the first amendment?

**Background Information:**

In 1984 Gregory Johnson burned an American flag in front of the Dallas City Hall as a means of protest against the Reagan admin's policies. He was sentenced to one year of jail and a \$2000 fine.

**Supreme Court Ruling:**

5 for Johnson, 4 against. It was protected. His actions fell into the category of expressive conduct and had a distinctively political nature. States don't have authority to designate symbols to be used to communicate only limited sets of messages.

### **McConnell v Federal Election Commission (2003)**

Background Information: Does a ban of “soft money” violate the first amendment? (The limits on political campaign donations)

Supreme Court Ruling: The restriction on free speech was limited. It was legitimate to prevent the actual corruption and the appearance.

### **Citizens United v Federal Election Commission (2010)**

Background Information: Related to McConnell v Federal Election Commission too. Asked if big money contributions were constitutional and if disclosure were too.

Supreme Court Ruling: Disclosure requirements were constitutional. This upheld the ban on direct contributions.

## ***Freedom of Assembly***

**“Congress shall make no law respecting . . . the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”**

### **DeJonge v Oregon (1937)**

Background Information:

At a communist party meeting, DeJonge spoke to the audience about jail time and strikes. He was arrested for violating the criminal syndicalism law. He was convicted but he claimed the evidence was insufficient to warrant conviction

Supreme Court Ruling: Oregon courts had violated due process of law the 14th am. in convicting DeJonge. Citizens have the right to assemble, communist or not.

## ***Right to Privacy***

Quartering of soldiers “in time of peace” shall be illegal “without the consent of the owner.”

### **Mapp v Ohio (1961)**

Background Information: Dollree Mapp had obscene materials that were found on a police search. She plead that she had freedom of expression.

Supreme Court Ruling: Declared that all evidence obtained by searches in violation of the constitution is inadmissible in a state court.

### **Griswold v Connecticut (1965)**

Background Information: Griswold wanted to help a family with birth control but a law said that counseling couldn't be given on conception is this against the right to privacy.

Supreme Court Ruling: Although it doesn't actually say privacy in the constitution in the 1, 3, 4, and 9 amendments it combines to form privacy and so what they were doing was ok

### **Roe v Wade (1972)**

Background Information: Roe wanted to have an abortion but Texas state law prohibits it, does the constitution embrace a woman's right to have an abortion

Supreme Court Ruling: it was ruled against a woman's right to privacy protected by the 14th amend.

### **United States v Leon (1984)**

Background Information: Police receive a search warrant from a judge and go through Leon's home, where they find illegal drugs. Another judge rules reason for search warrant insufficient so information gathered cannot be used.

Supreme Court Ruling: 6:3, US's favor

### **Planned Parenthood v Casey (1992)**

Background Information: Pennsylvania legislatures amended abortion control laws. They now required consent from parents if the girl is a minor and were required to provide indication that they informed their husbands if the woman was married. It was questioned if these laws violated a woman's right to abortion as guaranteed by Roe v Wade.

Supreme Court Ruling: 5 voted for Planned Parenthood, 4 voted against. Most of these laws were upheld because they didn't violate the "undue burden" test.

## ***Right to Procedural Due Process***

### **Escobedo v Illinois (1964)**

Background Information: Danny Escobedo arrested and denied lawyer during questioning. Lawyer not allowed to consult with client. Escobedo confessed to murder.

Supreme Court Ruling: 5:4, Escobedo's favor

### **Gideon v Wainright (1964)**

Background Information: Gideon was charged with felony for breaking and entering. He couldn't afford a lawyer, so he requested one from the court. They refused, saying they were only obligated to appoint counsels to indigent defendants in capital cases.

Supreme Court Ruling: Unanimous vote for Gideon

### **Miranda v Arizona (1966)**

Background Information:

Several court case where during integration the accused were not told they had the right to counsel.

Supreme Court Ruling:

The Supreme court sided with Miranda, prosecutors cannot use integration evidence unless the accused is warned of his right to counsel.

### **New York v Quarles (1984)**

Background Information:

A officer walks into a local supermarket and spots a alleged assaulter. The police then searches him before he states his miranda rights. He finds a gun holster and ask the man where his gun was.

Supreme Court Ruling:

The Court ruled with New York because since the public could have possibly been in danger the officer did not have to read the man his miranda rights until he was arrested and safe from the public.

### **Hamdi v Rumsfeld (2004)**

#### Background Information:

The US Military arrested Hamdi, without a trial or attorney. Did the government violate Hamdi's fifth amendment right to due process by holding him without access to attorney during war time.

#### Supreme Court Ruling:

The Court was split with the decision, but most of the sided with Hamdi. The fifth guarantees that a citizen held in the United States and enemy of the United States has the right to an attorney during war time.

## ***Eighth Amendment***

**"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."**

### **Gregg v Georgia (1976)**

#### Background Information:

Gregg robbed and murdered a civilian, he was then sentenced to death for his actions. Gregg argued this was cruel and unusual punishment and it violated the Eighth Amendment.

#### Supreme Court Ruling:

Supreme Court ruled with Georgia saying its not a cruel or unusual punishment and it is a useful deterrent to Capital crimes.

## **Undefined Rights**

### **United States v Lopez (1995)**

#### Background Information:

Lopez (12th grade) carried concealed weapon to school. Charged under the Gun-Free School Zones Act of 1990.

Supreme Court Ruling:

Found guilty and sentenced to 6 months in prison, 2 years supervised release

### **Gonzales v Oregon (2006)**

Background Information:

Oregon physicians had been giving lethal doses of medicine to terminally ill patients. Attorney General Ashcroft said it was illegal due to Controlled Substances Act (1970)

Supreme Court Ruling:

CSA did not authorize Attorney General to regulate physician assisted suicide, ruled against Ashcroft

## **Civil Rights**

### **Plessy v. Ferguson (1896)**

Background Information:

Louisiana enacted a law that required separate railway cars for whites and blacks. Plessy (7/8 Caucasian) sat in white car and was arrested.

Supreme Court Ruling:

State law was within constitutional boundaries. Court ruled against Plessy.

### **Brown v Board (1954)**

Background Information:

Black children were denied admission to public white schools under laws permitting segregation.

Supreme Court Ruling:

The segregation of schools deprived minority children. Ruled against Board of Education.

### **Sweatt v Painter**



#### Background Information:

In 1946 African American Herman Sweatt applied at the University of Texas Law School. He was rejected because state law restricted access to only whites.

Did the Texas admissions schemes violate the Equal Protection clause in the 14th Amendment?

#### Supreme Court Ruling:

Unanimous that the clause required the school to admit Sweatt. Any separate but equal facility the school tried to produce was insufficient on many levels.

### **Swann v Charlotte-Mecklenburg**

#### Background Information:

After the Brown v Board of Education when there wasn't much of an effort to desegregate schools. Many schools were still almost completely white or black.

Were federal courts constitutionally authorized to oversee and produce remedies for state-imposed segregation?

#### Supreme Court Ruling:

Unanimous for Charlotte Mecklenburg. Constitutional mandate to desegregate did not require all schools in district to reflect racial composition. Busing was an acceptable method to correct imbalance.

### **Regents of the University of California v Bakke**

#### Background Information:

Bakke was rejected from med school twice. He scored higher than all the reserved "minorities." He argued he was rejected solely on race.

Did the University of California violate the 14th Amendment.

#### Supreme Court Ruling:

5 voted that the racial quota already violated it. 4 said racial quotas were permissible for Affirmative Action.

